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Remarks

Claims 1, 2, 4-9, 11-15, 18 and 19 are under consideration.

Claims 3, 10, and 16-17 have been canceled.

Claim Objections.

Claims 1, 9, and 14 were objected to for certain alleged informalities in the wording of the claims. Applicants gratefully acknowledge the Examiner's helpful suggestions for overcoming the objections. In response, Applicants have adopted the Examiner's suggestions. Accordingly, claim 1 has been amended to replace the phrase "vector comprises a SIVsmmPBj14 virus" with the phrase "a SIVsmmPBj14 genome". In addition, claims 9 and 14 have been amended to replace the term "pseudotype" with "pseudotyped", and claim 9 has been amended to replace the phrase "expression construct for a non-SIVsmmPBj14 envelope protein" with the phrase, "expression construct comprising the coding sequence of a non-SIVsmmPBj14 envelope protein".

Rejections Under the Second Paragraph of 35 U.S.C. §112.

Claim 8 was objected to as allegedly be indefinite with respect to the phrase "the envelope protein", because claim there is more than one envelope protein referred to in the claims, such as claim 7, which recites a Markush listing of envelope proteins. This rejection appears to be in error, however, since claim 8 refers back to claim 6, not claim 7. Claim 6, in turn, refers only to claim 1. Within the family of claims 1, 6, and 8, only one envelope protein is mentioned. Accordingly, claim 8 is not indefinite. Withdrawal of this rejection is warranted.

Rejections Under the First Paragraph of 35 U.S.C. §112.

Claims 1-14 stand rejected as allegedly not complying with the enablement requirement. Applicants note that pending claims 15, 18, and 19 were not mentioned anywhere in the body of the Office Action, but are referred to as rejected on the Office Action Summary, form PTOL-326. For purposes of this response, Applicants will treat the present enablement rejection as relating to all of the pending claims, since claims 15, 18, and 19 share some similar limitations to those referred to in the rejections.

The gist of the enablement rejection appears to be that the specification provides an enabling disclosure of vectors in which the SIVsmmPBj14 envelope protein is not

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expressed and for such embodiments in which a foreign envelope protein (e.g., a VSV-G envelope protein) is expressed, but that the specification allegedly does not provide enablement for vectors in which a "non-functional" envelope protein is expressed, or in which a portion of a foreign envelope protein is expressed. While applicants do not necessarily agree with this assessment, the claims nonetheless have been amended to expedite further prosecution of this application. In particular, claims 1 and 9 have been amended to replace the term "non-functional" with the term "non-expressible". Claim 18 has been amended to specify that the VSV-G gene is expressible, that the SIVsmmPBj1.9 *env* gene includes a deletion renders the envelope protein encoded by the gene non-expressible, and that the only envelope proteins expressed by the vector are VSV-G envelope proteins. Claim 19 has been amended to conform to the wording of claim 18. In addition, claim 6 has been amended to specify that the vector includes a gene capable of expressing an envelope protein of a virus other than SIVsmmPBj14, and to delete the reference to inclusion of "a part of" the non-SIVsmmPBj14 *env* gene.

Applicants submit that the present amendments obviate all of the Examiner's concerns regarding enablement.

Conclusion.

Applicants request reconsideration, allowance of all claims, and early passage of the application to issue.

Respectfully submitted,

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